

**REMARKS**

Claims 1-68, 99-111, 115-123, and 128-141 are pending in the present application. Claims 69-98, 112-114, and 124-127 have been canceled.

Claims 1-3, 6-8, 12, 22, 27-30, 102, 115, 117, 128-130, and 134-141 have been provisionally rejected under the doctrine of obviousness-type double patenting over the claims of co-pending Patent Application Number 10/007,585. This provisional rejection of claims 1-3, 6-8, 12, 22, 27-30, 102, 115, 117, 128-130, and 134-141 is respectfully traversed.

Claims 17, 104, and 116 have been provisionally rejected under the doctrine of obviousness-type double patenting over the claims of co-pending Patent Application Number 10/007,585 in view of Official Notice. This provisional rejection of claims 17, 104, and 116 is respectfully traversed.

Claims 16, 120, and 121 have been provisionally rejected under the doctrine of obviousness-type double patenting over the claims of co-pending Patent Application Number 10/007,585 in view of Yamanaka (US-A-5,614,714). This provisional rejection of claims 16, 120, and 121 is respectfully traversed.

As clearly set forth in the Office Action, dated July 16, 2003, the only rejections remaining in this present application are three (3) provisional obviousness-type double patenting rejections. With respect to such a situation, the MPEP is clear that such a situation should not occur. More specifically, the MPEP clearly states:

If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

Since, as noted above, the only rejections remaining in this present application are three (3) provisional obviousness-type double patenting rejections, the present provisional obviousness-type double patenting rejections should be immediately withdrawn so as to permit the present application to issue as a patent.

Accordingly, in view of the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the three (3) provisional obviousness-type double patenting rejections so as to permit the present application to issue as a patent.

It is further noted that all the non-elected claims are dependent upon, directly or indirectly, allowable independent claims, for the reasons set forth above. Therefore, the Applicants respectfully request that the Examiner re-join the non-elected claims (9-11, 13, 20, 21, 24, 26, 31-33, 46-49, 54, 55, 58, 60, 65-67, 100, 101, 105, 109, 122, and 131-133) in the present application.

Accordingly, in view of all the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the three (3) provisional obviousness-type double patenting rejections so as to permit the present application to issue as a patent and re-join the non-elected claims in the present application. Also, an early indication of allowability is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Matthew E. Connors", written over a horizontal line.

Matthew E. Connors

Registration No. 33,298

Samuels, Gauthier & Stevens

225 Franklin Street, Suite 3300

Boston, Massachusetts 02110

Telephone: (617) 426-9180

Extension 112